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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,457	08/23/2001	Niranjan Damera-Venkata	10006301-1	9595

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</i>	Application No. 09/935,457	Applicant(s) DAMERA-VENKATA, NIRANJAN	
	Examiner Amir Alavi	Art Unit 2624	

Amir Alavi

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 19 August 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

Please be aware that effective September 13, 2004, there are new rules pertaining appeal briefs. New part 41 relates to appeals and practice before the Board in which 41.33(b) provides that amendments filed on or after the date of filing an appeal brief may be limited only to cancel claims and rewrite dependent claims into independent claims and 41.33(d) provides for certain affidavits or other evidence to be entered if filed after a notice of appeal but prior to the date of filing a brief.

Main difference in the new procedures is the Content and the Format of the Appeal Brief.

The major highlights of 41.37:

1) Only one copy of the brief is required rather than three

2) The brief must contain a section heading "Summary of Claimed Subject matter" which replaces the Summary of Invention. This section must provide a concise explanation of the subject matter defined in each of the independent claims involved in the appeal and must refer to the specification by page and line number and drawing and identify every means plus function and step plus function in the specification.

3) Grounds of rejection to be reviewed on appeal replaces prior headings "issues for review" and "grouping of claims".

4) The Argument section has been revised to include a separate heading for each ground of rejection as well as any claim argued separately should be placed under a separate subheading.

5) New sections "Evidence Appendix" and "Related Proceedings Appendix" also have been added.

